

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA**

In re:

MERCY HOSPITAL, IOWA CITY, IOWA, *et al.*,
Debtors.

)
) Chapter 11
)
) Case No. 23-00623 (TJC)
)
) Jointly Administered
)
)
)

**ORDER GRANTING IN PART MERCY HEALTH NETWORK INC.’S MOTION FOR
ENTRY OF AN ORDER REQUIRING THE OC TO PRODUCE RECORDS AND
SUBMIT TO EXAMINATION PURSUANT TO BANKRUPTCY RULE 2004**

The matter before the Court is *Mercy Health Network Inc.’s Motion for Entry of an Order Requiring the OC to Produce Records and Submit to Examination Pursuant to Bankruptcy Rule 2004* [Docket No. 1858] (the “Motion”) filed by Mercy Health Network, Inc. d/b/a MercyOne (“MercyOne”);¹ and the Court having found it has subject matter jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; and it appearing that venue in this district is proper pursuant to 28 U.S.C. § 1409; and the Court having found that the relief requested in the Motion is in the best interests of the Debtors, its creditors, and other parties in interest; and the Court having found that MercyOne provided adequate and appropriate notice of the Motion under the circumstances and that no other or further notice is required:

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED as follows:

1. The Motion is GRANTED solely as set forth herein.
2. MercyOne is authorized, pursuant to Bankruptcy Rules 2004 and 9016, to issue a

¹ Capitalized terms not otherwise defined herein shall have the meanings given to them in the Motion or Document Requests, as applicable.

subpoena to the OC for the production of the documents and communications listed on Exhibit B of the Motion as further revised by this Order (the “Document Requests”). The OC and MercyOne have reached the following agreements with respect to the individual requests set forth in Exhibit B to the Motion:

- a. Request No. 1: MercyOne has agreed to eliminate this request.
- b. Request No. 2: The parties have agreed that the OC will produce non-privileged² documents and communications sent to or received by Sean Williams, Mike Trachta, Tom Clancy, Doug Davenport, or Jeff Rooney from an “@mercycic.org” email address during the time period beginning May 1, 2017 and ending April 30, 2023 that are responsive to Request No. 2 by utilizing the following search terms to locate potentially responsive documents:

- “independent contractor” AND MercyOne
- “contractor” AND “MercyOne”

For the avoidance of doubt, the OC shall not be required to produce any documents and communications that were also sent to or received from an @mercydesmoines.org or @commonspirit.org email address.

- c. Request No. 3: The parties have agreed that the OC will produce non-privileged documents and communications sent to or received by Sean Williams, Mike Trachta, Tom Clancy, Doug Davenport, or Jeff Rooney from an “@mercycic.org” email address during the time period beginning

²² “Privileged” or “privilege” as uses in this Order are intended to encompass all types of attorney-client privilege, work-product privilege, or other privilege that could be utilized to prevent production or disclosure of information under applicable statutes and rules.

May 1, 2017 and ending April 30, 2023 that are responsive to Request No. 3 by utilizing the following search terms to locate potentially responsive documents:

- “decision maker” AND “Board” AND “MercyOne”
- “decisionmaker” AND “Board” AND “MercyOne”
- “decision” AND “finances” AND “MercyOne” AND “MIC”
- “decision” AND “management” AND “MercyOne” AND MIC
- “MercyOne” W/5 “Control” W/10 “financ*”
- “MercyOne” W/5 “Control” W/10 “operation*”
- “MercyOne” W/5 “Control” W/10 “manage”
- “decision” AND “finances” AND “MercyOne” AND “Mercy Hospital”
- “decision” AND “management” AND “MercyOne” AND “Mercy Hospital”

For the avoidance of doubt, the OC shall not be required to produce any documents and communications that were also sent to or received from an @mercydesmoines.org or @commonspirit.org email address.

- d. Request No. 4: MercyOne has agreed to eliminate this request.
- e. Request No. 5: The parties have agreed that the OC will produce non-privileged documents and communications sent to or received by Sean Williams, Mike Trachta, Tom Clancy, Doug Davenport, or Jeff Rooney from an “@mercyic.org” email address during the time period beginning May 1, 2017 and ending April 30, 2023 that are responsive to Request No. 5 by utilizing the following search terms to locate potentially responsive documents:

- “strategic” AND “relationship” AND MercyOne AND MIC
- “strategic” AND “affiliation” AND MercyOne AND MIC
- “strategic” AND “relationship” AND “Mercy Hospital”
- “strategic” AND “affiliation” AND “Mercy Hospital”

For the avoidance of doubt, the OC shall not be required to produce any

documents and communications that were also sent to or received from an @mercydesmoines.org or @commonspirit.org email address.

- f. Request No. 6: The parties have agreed that the OC will produce non-privileged documents and communications sent to or received by Sean Williams, Mike Trachta, Tom Clancy, Doug Davenport, or Jeff Rooney from an “@mercyic.org” email address during the time period beginning May 1, 2017 and ending April 30, 2023 that are responsive to Request No. 6 by utilizing the following search terms to locate potentially responsive documents:

- MIC AND “management services” AND “providers”
- “Mercy Hospital” AND “management services” AND “providers”

For the avoidance of doubt, the OC shall not be required to produce any documents and communications that were also sent to or received from an @mercydesmoines.org or @commonspirit.org email address.

- g. Request No. 7: MercyOne has agreed to eliminate this request.
- h. Request No. 8: The parties have agreed that the OC will produce non-privileged documents and communications sent to or received by Sean Williams, Mike Trachta, Tom Clancy, Doug Davenport, or Jeff Rooney from an “@mercyic.org” email address during the time period beginning May 1, 2017 and ending April 30, 2023 that are responsive to Request No. 8 by utilizing the following search terms to locate potentially responsive documents:

- “MIC” AND “COVID” AND “finances”
- “Mercy Hospital” AND “COVID” AND “finances”
- “MIC” AND “COVID” AND “financial condition”

- “Mercy Hospital” AND “financial condition”
- “MIC” AND “COVID” AND “liquidity”
- “Mercy Hospital” AND “liquidity”
- “MIC” AND “COVID” AND “operations”
- “Mercy Hospital” AND “operations”
- “MIC” AND “COVID” AND “patient volume”
- “Mercy Hospital” AND “patient volume”
- “MIC” AND “COVID” AND “reimbursement”
- “Mercy Hospital” AND “reimbursement”
- “MIC” AND “COVID” AND “cash flow”
- “Mercy Hospital” AND “cash flow”
- “MIC” AND “COVID” AND “net income”
- “Mercy Hospital” AND “net income”

For the avoidance of doubt, the OC shall not be required to produce any documents and communications that were also sent to or received from an @mercydesmoines.org or @commonspirit.org email address.

- i. Request No. 9: MercyOne has agreed to eliminate this request.
- j. Request No. 10: The parties have agreed that the OC will produce non-privileged documents and communications sent to or received by Sean Williams, Mike Trachta, Tom Clancy, Doug Davenport, or Jeff Rooney from an “@mercyic.org” email address during the time period beginning May 1, 2017 and ending April 30, 2023 that are responsive to Request No. 10 by utilizing the following search terms to locate potentially responsive documents:

- MIC AND “Board” AND “Allscripts” AND “select*”
- “Mercy Hospital” AND “Board” AND “Allscripts” AND “select*”
- MIC AND “Board” AND “Allscripts” AND “chose*”
- “Mercy Hospital” AND “Board” AND “Allscripts” AND “chose*”
- MIC AND “Board” AND “Altera” AND “select*”
- “Mercy Hospital” AND “Board” AND “Altera” AND “select*”
- MIC AND “Board” AND “Altera” AND “chose*”
- “Mercy Hospital” AND “Board” AND “Altera” AND “chose*”

For the avoidance of doubt, the OC shall not be required to produce any documents and communications that were also sent to or received from an @mercydesmoines.org or @commonspirit.org email address.

- k. Request No. 11: The parties have agreed that the OC will produce non-privileged documents and communications sent to or received by Sean Williams, Mike Trachta, Tom Clancy, Doug Davenport, or Jeff Rooney from an “@mercyic.org” email address during the time period beginning May 1, 2017 and ending April 30, 2023 that are responsive to Request No. 11 by utilizing the following search terms to locate potentially responsive documents:

- “Mercy Hospital” AND “Allscripts” AND “problem*” AND “coding”
- “Mercy Hospital” AND “Allscripts” AND “problem*” AND “billing”
- “Mercy Hospital” AND “Allscripts” AND “problem*” AND “collection*”
- “Mercy Hospital” AND “Allscripts” AND “problem*” AND “regulatory reports”
- “Mercy Hospital” AND “Allscripts” AND “problem*” AND “workflows”
- “Mercy Hospital” AND “Allscripts” AND “problem*” AND “backlog”
- MIC AND “Allscripts” AND “difficult*” AND “coding”
- MIC AND “Allscripts” AND “difficult*” AND “billing”
- MIC AND “Allscripts” AND “difficult*” AND “collection*”
- MIC AND “Allscripts” AND “difficult*” AND “regulatory reports”
- MIC AND “Allscripts” AND “difficult*” AND “workflows”
- MIC AND “Allscripts” AND “difficult*” AND “backlog”
- “Mercy Hospital” AND “Allscripts” AND “difficult*” AND “coding”
- “Mercy Hospital” AND “Allscripts” AND “difficult*” AND “billing”
- “Mercy Hospital” AND “Allscripts” AND “difficult*” AND “collection*”
- “Mercy Hospital” AND “Allscripts” AND “difficult*” AND

“regulatory reports”

- “Mercy Hospital” AND “Allscripts” AND “difficult*” AND “workflows”
- “Mercy Hospital” AND “Allscripts” AND “difficult*” AND “backlog”
- MIC AND “Mercy Hospital” AND “Allscripts” AND “fail*” AND “coding”
- MIC AND “Mercy Hospital” AND “Allscripts” AND “fail*” AND “billing”
- MIC AND “Mercy Hospital” AND “Allscripts” AND “fail*” AND “collection*”
- MIC AND “Mercy Hospital” AND “Allscripts” AND “fail*” AND “regulatory reports”
- MIC AND “Mercy Hospital” AND “Allscripts” AND “fail*” AND “workflows”
- MIC AND “Mercy Hospital” AND “Allscripts” AND “fail*” AND “backlog”
- MIC AND “Mercy Hospital” AND “Allscripts” AND “problem*” AND “coding”
- MIC AND “Mercy Hospital” AND “Allscripts” AND “problem*” AND “billing”
- MIC AND “Mercy Hospital” AND “Allscripts” AND “problem*” AND “collection*”
- MIC AND “Mercy Hospital” AND “Allscripts” AND “problem*” AND “regulatory reports”
- MIC AND “Mercy Hospital” AND “Allscripts” AND “problem*” AND “workflows”
- MIC AND “Mercy Hospital” AND “Allscripts” AND “problem*” AND “backlog”
- MIC AND “Mercy Hospital” AND “Allscripts” AND “difficult*” AND “coding”
- MIC AND “Mercy Hospital” AND “Allscripts” AND “difficult*” AND “billing”
- MIC AND “Mercy Hospital” AND “Allscripts” AND “difficult*” AND “collection*”
- MIC AND “Mercy Hospital” AND “Allscripts” AND “difficult*” AND “regulatory reports”
- MIC AND “Mercy Hospital” AND “Allscripts” AND “difficult*” AND “workflows”
- MIC AND “Mercy Hospital” AND “Allscripts” AND “difficult*” AND “backlog”

For the avoidance of doubt, the OC shall not be required to produce any documents and communications that were also sent to or received from an

@mercydesmoines.org or @commonspirit.org email address.

1. Request No. 12: The parties have agreed that the OC will produce non-privileged documents and communications sent to or received by Sean Williams, Mike Trachta, Tom Clancy, Doug Davenport, or Jeff Rooney from an “@mercyic.org” email address during the time period beginning May 1, 2017 and ending April 30, 2023 that are responsive to Request No. 12 by utilizing the following search terms to locate potentially responsive documents:

- “MIC” AND “EMR” AND bankruptcy
- “Mercy Hospital” AND “EMR” AND bankruptcy
- “MIC” AND “Altera” AND bankruptcy
- “Mercy Hospital” AND “Altera” AND bankruptcy
- “MIC” AND “Allscripts” AND bankruptcy
- “Mercy Hospital” AND “Allscripts” AND bankruptcy

For the avoidance of doubt, the OC shall not be required to produce any documents and communications that were also sent to or received from an @mercydesmoines.org or @commonspirit.org email address.

- m. Request No. 13: MercyOne has agreed to eliminate this request.
- n. Request No. 14: The parties have agreed that the OC will produce non-privileged documents and communications sent to or received by Sean Williams, Mike Trachta, Tom Clancy, Doug Davenport, or Jeff Rooney from an “@mercyic.org” email address during the time period beginning January 1, 2022 and ending April 30, 2023 that are responsive to Request No. 14 by utilizing the following search terms to locate potentially responsive documents:

- “MIC” AND “EMR” AND “net income”

- “MIC” AND “EMR” AND “losses”
- “MIC” AND “EMR” AND “decline*”
- “Mercy Hospital” AND “EMR” AND “net income”
- “Mercy Hospital” AND “EMR” AND “losses”
- “Mercy Hospital” AND “EMR” AND “decline*”
- “MIC” AND “Altera” AND “net income”
- “MIC” AND “Altera” AND “losses”
- “MIC” AND “Altera” AND “decline*”
- “Mercy Hospital” AND “Altera” AND “net income”
- “Mercy Hospital” AND “Altera” AND “losses”
- “Mercy Hospital” AND “Altera” AND “decline*”
- “MIC” AND “Allscripts” AND “net income”
- “MIC” AND “Allscripts” AND “losses”
- “MIC” AND “Allscripts” AND “decline*”
- “Mercy Hospital” AND “Allscripts” AND “net income”
- “Mercy Hospital” AND “Allscripts” AND “losses”
- “Mercy Hospital” AND “Allscripts” AND “decline*”

For the avoidance of doubt, the OC shall not be required to produce any documents and communications that were also sent to or received from an @mercydesmoines.org or @commonspirit.org email address.

- o. Request No. 15: The parties have agreed that the OC will produce non-privileged documents and communications sent to or received by Sean Williams, Mike Trachta, Tom Clancy, Doug Davenport, or Jeff Rooney from an “@mercyic.org” email address during the time period beginning January 1, 2022 and ending April 30, 2023 that are responsive to Request No. 15 by utilizing the following search terms to locate potentially responsive documents:

- “Vizient” AND “EMR”

For the avoidance of doubt, the OC shall not be required to produce any documents and communications that were also sent to or received from an @mercydesmoines.org or @commonspirit.org email address.

- p. Request No. 16: MercyOne has agreed to eliminate this request.
- q. Request No. 17: The parties have agreed that the OC will produce non-privileged documents and communications sent to or received by Sean Williams, Mike Trachta, Tom Clancy, Doug Davenport, or Jeff Rooney from an “@mercyic.org” email address during the time period beginning January 1, 2022 and ending April 30, 2023 that are responsive to Request No. 17 by utilizing the following search terms to locate potentially responsive documents:

- MIC AND “bankruptcy” W/10 “file”
- MIC AND “bankruptcy” W/10 “filing”
- MIC AND “bankruptcy” W/10 “alternative*”
- MIC AND “bankruptcy” W/10 “option”
- “Mercy Hospital” AND “bankruptcy” W/10 “file”
- “Mercy Hospital” AND “bankruptcy” W/10 “filing”
- “Mercy Hospital” AND “bankruptcy” W/10 “alternative*”
- “Mercy Hospital” AND “bankruptcy” W/10 “option”

For the avoidance of doubt, the OC shall not be required to produce any documents and communications that were also sent to or received from an @mercydesmoines.org or @commonspirit.org email address.

- r. Request Nos. 18-21: MercyOne has agreed to eliminate these requests.
- s. Request No. 22: The OC has agreed to manually search for and produce, if applicable, any agreement between the Debtors and Allscripts and/or Altera which contains a release of claims.
- t. Request No. 23: The parties have agreed that the OC will produce non-privileged documents and communications sent to or received by Sean Williams, Mike Trachta, Tom Clancy, Doug Davenport, or Jeff Rooney from an “@mercyic.org” email address during the time period beginning

May 1, 2017 and ending April 30, 2023 that are responsive to Request No. 23 by utilizing the following search terms to locate potentially responsive documents:

- MIC AND comply AND “Management and Affiliation Agreement” AND MercyOne
- MIC AND compliance AND “Management and Affiliation Agreement” AND MercyOne
- “Mercy Hospital” AND comply AND “Management and Affiliation Agreement” AND MercyOne
- “Mercy Hospital” AND compliance AND “Management and Affiliation Agreement” AND MercyOne

For the avoidance of doubt, the OC shall not be required to produce any documents and communications that were also sent to or received from an @mercydesmoines.org or @commonspirit.org email address.

- u. Request Nos. 24-25: For the period of May 1, 2017 through April 30, 2023, in lieu of providing documents and communications, the OC shall provide (i) a list of each member of Mercy Hospital, Iowa City, Iowa’s board of directors who was not a designee of MercyOne and (ii) a list of each of Mercy Hospital, Iowa’s officers and members of senior management who were not also employees of MercyOne.
- v. Request Nos. 26-32: MercyOne has agreed to eliminate these requests.
- w. Request No. 33: The parties have agreed that the OC will produce non-privileged documents and communications sent to or received by Sean Williams, Mike Trachta, Tom Clancy, Doug Davenport, or Jeff Rooney from an “@mercyic.org” email address during the time period beginning May 1, 2017 and ending April 30, 2023 that are responsive to Request No. 33 by utilizing the following search terms to locate potentially responsive

documents:

- Acqui* AND practices AND MIC AND UIHC AND operations
- Acqui* AND practices AND MIC AND UIHC AND “financial performance”
- Acqui* AND practices AND MIC AND UIHC AND viability
- Acqui* AND practices AND MIC AND UIHC AND bankruptcy
- Acqui* AND practices AND MIC AND “University of Iowa” AND operations
- Acqui* AND practices AND MIC AND “University of Iowa” AND “financial performance”
- Acqui* AND practices AND MIC AND “University of Iowa” AND viability
- Acqui* AND practices AND MIC AND “University of Iowa” AND bankruptcy
- Acqui* AND practices AND MIC AND “U of I” AND operations
- Acqui* AND practices AND MIC AND “U of I” AND “financial performance”
- Acqui* AND practices AND MIC AND “U of I” AND viability
- Acqui* AND practices AND MIC AND “U of I” AND bankruptcy
- Acqui* AND practices AND “Mercy Hospital” AND UIHC AND operations
- Acqui* AND practices AND “Mercy Hospital” AND UIHC AND “financial performance”
- Acqui* AND practices AND “Mercy Hospital” AND UIHC AND viability
- Acqui* AND practices AND “Mercy Hospital” AND UIHC AND bankruptcy
- Acqui* AND practices AND “Mercy Hospital” AND “University of Iowa” AND operations
- Acqui* AND practices AND “Mercy Hospital” AND “University of Iowa” AND “financial performance”
- Acqui* AND practices AND “Mercy Hospital” AND “University of Iowa” AND viability
- Acqui* AND practices AND “Mercy Hospital” AND “University of Iowa” AND bankruptcy
- Acqui* AND practices AND “Mercy Hospital” AND “U of I” AND operations
- Acqui* AND practices AND “Mercy Hospital” AND “U of I” AND “financial performance”
- Acqui* AND practices AND “Mercy Hospital” AND “U of I” AND viability
- Acqui* AND practices AND “Mercy Hospital” AND “U of I” AND bankruptcy

For the avoidance of doubt, the OC shall not be required to produce any documents and communications that were also sent to or received from an @mercydesmoines.org or @commonspirit.org email address.

- x. Request No. 34: The parties have agreed that the OC will produce non-privileged documents and communications sent to or received by Sean Williams, Mike Trachta, Tom Clancy, Doug Davenport, or Jeff Rooney from an “@mercyic.org” email address during the time period beginning May 1, 2017 and ending April 30, 2023 that are responsive to Request No. 34 by utilizing the following search terms to locate potentially responsive documents:

- MIC AND UIHC AND “preferred tier payor” AND “operations”
- MIC AND UIHC AND “preferred tier payor” AND “effect”
- MIC AND UIHC AND “preferred tier payor” AND “affect*”
- MIC AND UIHC AND “preferred tier payor” AND “impact”
- MIC AND UIHC AND “preferred tier payor” AND “financial performance”
- MIC AND UIHC AND “preferred tier payor” AND “going concern”
- MIC AND UIHC AND “preferred tier payor” AND “bankruptcy”
- “Mercy Hospital” AND UIHC AND “preferred tier payor” AND “operations”
- “Mercy Hospital” AND UIHC AND “preferred tier payor” AND “effect”
- “Mercy Hospital” AND UIHC AND “preferred tier payor” AND “affect*”
- “Mercy Hospital” AND UIHC AND “preferred tier payor” AND “impact”
- “Mercy Hospital” AND UIHC AND “preferred tier payor” AND “financial performance”
- “Mercy Hospital” AND UIHC AND “preferred tier payor” AND “going concern”
- “Mercy Hospital” AND UIHC AND “preferred tier payor” AND “bankruptcy”
- MIC AND UIHC AND “provider network” AND “operations”
- MIC AND UIHC AND “provider network” AND “effect”

- MIC AND UIHC AND “provider network” AND “affect*”
- MIC AND UIHC AND “provider network” AND “impact”
- MIC AND UIHC AND “provider network” AND “financial performance”
- MIC AND UIHC AND “provider network” AND “going concern”
- MIC AND UIHC AND “provider network” AND “bankruptcy”
- “Mercy Hospital” AND UIHC AND “provider network” AND “operations”
- “Mercy Hospital” AND UIHC AND “provider network” AND “effect”
- “Mercy Hospital” AND UIHC AND “provider network” AND “affect*”
- “Mercy Hospital” AND UIHC AND “provider network” AND “impact”
- “Mercy Hospital” AND UIHC AND “provider network” AND “financial performance”
- “Mercy Hospital” AND UIHC AND “provider network” AND “going concern”
- “Mercy Hospital” AND UIHC AND “provider network” AND “bankruptcy”

For the avoidance of doubt, the OC shall not be required to produce any documents and communications that were also sent to or received from an @mercydesmoines.org or @commonspirit.org email address.

- y. Request No. 35: The parties have agreed that the OC will produce non-privileged documents and communications sent to or received by Sean Williams, Mike Trachta, Tom Clancy, Doug Davenport, or Jeff Rooney from an “@mercyic.org” email address during the time period beginning May 1, 2017 and ending April 30, 2023 that are responsive to Request No. 35 by utilizing the following search terms to locate potentially responsive documents:

- MIC AND Board AND “common spirit group purchasing organization”
- MIC AND Board AND “common spirit” AND “GPO”
-

- “Mercy Hospital” AND Board AND “common spirit group purchasing organization”
- “Mercy Hospital” AND Board AND “common spirit” AND “GPO”

For the avoidance of doubt, the OC shall not be required to produce any documents and communications that were also sent to or received from an @mercydesmoines.org or @commonspirit.org email address.

- z. Request No. 36: The parties have agreed that the OC will produce non-privileged documents and communications sent to or received by Sean Williams, Mike Trachta, Tom Clancy, Doug Davenport, or Jeff Rooney from an “@mercyic.org” email address during the time period beginning May 1, 2017 and ending April 30, 2023 that are responsive to Request No. 36 by utilizing the following search terms to locate potentially responsive documents:

- MIC AND Board AND “common spirit group purchasing organization”
- MIC AND Board AND “common spirit” AND “GPO”
-
- “Mercy Hospital” AND Board AND “common spirit group purchasing organization”
- “Mercy Hospital” AND Board AND “common spirit” AND “GPO”

For the avoidance of doubt, the OC shall not be required to produce any documents and communications that were also sent to or received from an @mercydesmoines.org or @commonspirit.org email address.

- aa. Request No. 37: The parties have agreed that the OC will produce non-privileged documents and communications sent to or received by Sean Williams, Mike Trachta, Tom Clancy, Doug Davenport, or Jeff Rooney from an “@mercyic.org” email address during the time period beginning

May 1, 2017 and ending April 30, 2023 that are responsive to Request No. 37 by utilizing the following search terms to locate potentially responsive documents:

- “Insight Health Partners” AND turnaround AND MIC
- “Insight Health Partners” AND “revenue cycle” AND MIC
- “Insight Health Partners” AND operations AND MIC
- “Insight Health Partners” AND turnaround AND “Mercy Hospital”
- “Insight Health Partners” AND “revenue cycle” AND “Mercy Hospital”
- “Insight Health Partners” AND operations AND “Mercy Hospital”

For the avoidance of doubt, the OC shall not be required to produce any documents and communications that were also sent to or received from an @mercydesmoines.org or @commonspirit.org email address.

- bb. Request No. 38: The parties have agreed that the OC will produce non-privileged documents and communications sent to or received by Sean Williams, Mike Trachta, Tom Clancy, Doug Davenport, or Jeff Rooney from an “@mercyic.org” email address during the time period beginning May 1, 2017 and ending April 30, 2023 that are responsive to Request No. 38 by utilizing the following search terms to locate potentially responsive documents:

- “Navigant” AND turnaround AND MIC
- “Navigant” AND “revenue cycle” AND MIC
- “Navigant” AND operations AND MIC
- “Navigant” AND turnaround AND “Mercy Hospital”
- “Navigant” AND “revenue cycle” AND “Mercy Hospital”
- “Navigant” AND operations AND “Mercy Hospital”

For the avoidance of doubt, the OC shall not be required to produce any documents and communications that were also sent to or received from an @mercydesmoines.org or @commonspirit.org email address.

cc. Request No. 39: The parties have agreed that the OC will produce non-privileged documents and communications sent to or received by Sean Williams, Mike Trachta, Tom Clancy, Doug Davenport, or Jeff Rooney from an “@mercyic.org” email address during the time period beginning May 1, 2017 and ending April 30, 2023 that are responsive to Request No. 39 by utilizing the following search terms to locate potentially responsive documents:

- “Vizient” AND turnaround AND MIC
- “Vizient” AND “revenue cycle” AND MIC
- “Vizient” AND operations AND MIC
- “Vizient” AND turnaround AND “Mercy Hospital”
- “Vizient” AND “revenue cycle” AND “Mercy Hospital”
- “Vizient” AND operations AND “Mercy Hospital”

For the avoidance of doubt, the OC shall not be required to produce any documents and communications that were also sent to or received from an @mercydesmoines.org or @commonspirit.org email address.

dd. Request No. 40: The parties have agreed that the OC will produce non-privileged documents and communications sent to or received by Sean Williams, Mike Trachta, Tom Clancy, Doug Davenport, or Jeff Rooney from an “@mercyic.org” email address during the time period beginning May 1, 2017 and ending April 30, 2023 that are responsive to Request No. 40 by utilizing the following search terms to locate potentially responsive documents:

- “Vizient” AND turnaround AND MIC
- “Vizient” AND “revenue cycle” AND MIC
- “Vizient” AND operations AND MIC
- “Vizient” AND turnaround AND “Mercy Hospital”
- “Vizient” AND “revenue cycle” AND “Mercy Hospital”

- “Vizient” AND operations AND “Mercy Hospital”

For the avoidance of doubt, the OC shall not be required to produce any documents and communications that were also sent to or received from an @mercydesmoines.org or @commonspirit.org email address.

ee. Request Nos. 41-42: MercyOne has agreed to eliminate these requests.

ff. Request No. 43: The parties have agreed that the OC will produce non-privileged documents and communications sent to or received by Sean Williams, Mike Trachta, Tom Clancy, Doug Davenport, or Jeff Rooney from an “@mercyic.org” email address during the time period beginning May 1, 2017 and ending April 30, 2023 that are responsive to Request No. 43 by utilizing the following search terms to locate potentially responsive documents:

- MIC AND UIHC AND CON AND “North Liberty” AND “staff retention”
- MIC AND UIHC AND CON AND “North Liberty” AND impact
- MIC AND UIHC AND CON AND “North Liberty” AND “going concern”
- MIC AND UIHC AND CON AND “North Liberty” AND “bankruptcy”
- MIC AND UIHC AND CON AND “North Liberty” AND “threat”
- “University of Iowa” AND CON AND “North Liberty” AND “staff retention”
- “University of Iowa” AND CON AND “North Liberty” AND impact
- “University of Iowa” AND CON AND “North Liberty” AND “going concern”
- “University of Iowa” AND CON AND “North Liberty” AND “bankruptcy”
- “University of Iowa” AND CON AND “North Liberty” AND “threat”
- “Mercy Hospital” AND UIHC AND CON AND “North Liberty” AND “staff retention”
- “Mercy Hospital” AND UIHC AND CON AND “North Liberty” AND impact

- “Mercy Hospital” AND UIHC AND CON AND “North Liberty” AND “going concern”
- “Mercy Hospital” AND UIHC AND CON AND “North Liberty” AND “bankruptcy”
- “Mercy Hospital” AND UIHC AND CON AND “North Liberty” AND “threat”

For the avoidance of doubt, the OC shall not be required to produce any documents and communications that were also sent to or received from an @mercydesmoines.org or @commonspirit.org email address.

gg. Request No. 44: The parties have agreed that the OC will produce non-privileged documents and communications sent to or received by Sean Williams, Mike Trachta, Tom Clancy, Doug Davenport, or Jeff Rooney from an “@mercyic.org” email address during the time period beginning May 1, 2017 and ending April 30, 2023 that are responsive to Request No. 44 by utilizing the following search terms to locate potentially responsive documents:

- “Executive session*” AND MIC AND Board AND MercyOne
- “Executive session*” AND “Mercy Hospital” AND Board AND MercyOne

For the avoidance of doubt, the OC shall not be required to produce any documents and communications that were also sent to or received from an @mercydesmoines.org or @commonspirit.org email address.

hh. Request No. 45: The parties have agreed that the OC will produce non-privileged documents and communications sent to or received by Sean Williams, Mike Trachta, Tom Clancy, Doug Davenport, or Jeff Rooney from an “@mercyic.org” email address during the time period beginning May 1, 2017 and ending April 30, 2023 t that are responsive to Request No.

45 by utilizing the following search terms to locate potentially responsive documents:

- “Request for Proposal” AND UIHC AND MIC AND buy*
- “Request for Proposal” AND UIHC AND MIC AND acqui*
- “Request for Proposal” AND “University of Iowa” AND MIC AND buy*
- “Request for Proposal” AND “University of Iowa” AND MIC AND acqui*
- “Request for Proposal” AND “U of I” AND MIC AND buy*
- “Request for Proposal” AND “U of I” AND MIC AND acqui*
- RFP AND UIHC AND MIC AND buy*
- RFP AND UIHC AND MIC AND acqui*
- RFP AND “University of Iowa” AND MIC AND buy*
- RFP AND “University of Iowa” AND MIC AND acqui*
- RFP AND “U of I” AND MIC AND buy*
- RFP AND “U of I” AND MIC AND acqui*
- “Request for Proposal” AND UIHC AND “Mercy Hospital” AND buy*
- “Request for Proposal” AND UIHC AND “Mercy Hospital” AND acqui*
- “Request for Proposal” AND “University of Iowa” AND “Mercy Hospital” AND buy*
- “Request for Proposal” AND “University of Iowa” AND “Mercy Hospital” AND acqui*
- “Request for Proposal” AND “U of I” AND “Mercy Hospital” AND buy*
- “Request for Proposal” AND “U of I” AND “Mercy Hospital” AND acqui*
- RFP AND UIHC AND “Mercy Hospital” AND buy*
- RFP AND UIHC AND “Mercy Hospital” AND acqui*
- RFP AND “University of Iowa” AND “Mercy Hospital” AND buy*
- RFP AND “University of Iowa” AND “Mercy Hospital” AND acqui*
- RFP AND “U of I” AND “Mercy Hospital” AND buy*
- RFP AND “U of I” AND “Mercy Hospital” AND acqui*

For the avoidance of doubt, the OC shall not be required to produce any documents and communications that were also sent to or received from an @mercydesmoines.org or @commonspirit.org email address.

- ii. Request No. 46: The parties have agreed that the OC will produce non-

privileged documents and communications sent to or received by Sean Williams, Mike Trachta, Tom Clancy, Doug Davenport, or Jeff Rooney from an “@mercycic.org” email address during the time period beginning May 1, 2017 and ending April 30, 2023 that are responsive to Request No. 46 by utilizing the following search terms to locate potentially responsive documents:

- “Request for Proposal” AND H2C AND MIC AND buy*
- “Request for Proposal” AND H2C AND MIC AND acqui*
- RFP AND H2C AND MIC AND buy*
- RFP AND H2C AND MIC AND acqui*
- “Request for Proposal” AND H2C AND “Mercy Hospital” AND buy*
- “Request for Proposal” AND H2C AND “Mercy Hospital” AND acqui*
- RFP AND H2C AND “Mercy Hospital” AND buy*
- RFP AND H2C AND “Mercy Hospital” AND acqui*

For the avoidance of doubt, the OC shall not be required to produce any documents and communications that were also sent to or received from an @mercydesmoines.org or @commonspirit.org email address.

jj. Request No. 47: The parties have agreed that the OC will produce non-privileged documents and communications sent to or received by Sean Williams, Mike Trachta, Tom Clancy, Doug Davenport, or Jeff Rooney from an “@mercycic.org” email address during the time period beginning May 1, 2017 and ending April 30, 2023 that are responsive to Request No. 47 by utilizing the following search terms to locate potentially responsive documents:

- Board AND MIC AND Ritz AND Bankruptcy
- Board AND MIC AND MercyOne AND Bankruptcy
- Board AND “Mercy Hospital” AND Ritz AND Bankruptcy

- Board AND “Mercy Hospital” AND MercyOne AND Bankruptcy

For the avoidance of doubt, the OC shall not be required to produce any documents and communications that were also sent to or received from an @mercydesmoines.org or @commonspirit.org email address.

- kk. Request No. 48: The parties have agreed that the OC will produce non-privileged documents and communications sent to or received by Sean Williams, Mike Trachta, Tom Clancy, Doug Davenport, or Jeff Rooney from an “@mercyic.org” email address during the time period beginning January 1, 2022 and ending April 30, 2023 that are responsive to Request No. 48 by utilizing the following search terms to locate potentially responsive documents:

- MIC AND “Moody’s”
- “Mercy Hospital” AND “Moody’s”

For the avoidance of doubt, the OC shall not be required to produce any documents and communications that were also sent to or received from an @mercydesmoines.org or @commonspirit.org email address.

- ll. Request No. 49: The parties have agreed that the OC will produce non-privileged documents and communications sent to or received by Sean Williams, Mike Trachta, Tom Clancy, Doug Davenport, or Jeff Rooney from an “@mercyic.org” email address during the time period beginning March 16, 2023 and ending August 7, 2023 that are responsive to Request No. 49 by utilizing the following search terms to locate potentially responsive documents:

- MIC AND “Moody’s” AND “downgrade” AND “MercyOne”

- “Mercy Hospital” AND “Moody’s” AND “downgrade” AND “MercyOne”

For the avoidance of doubt, the OC shall not be required to produce any documents and communications that were also sent to or received from an @mercydesmoines.org or @commonspirit.org email address.

- mm. Request Nos. 50-52: MercyOne has agreed to eliminate these requests.
- nn. Request No. 53: The parties have agreed that the OC will produce non-privileged documents and communications sent to or received by Sean Williams, Mike Trachta, Tom Clancy, Doug Davenport, or Jeff Rooney from an “@mercyic.org” email address during the time period beginning May 1, 2017 and ending August 7, 2023 that are responsive to Request No. 53 by utilizing the following search terms to locate potentially responsive documents:

- MIC AND “pension liabilities” AND “funding”
- “Mercy Hospital” AND “pension liabilities” AND “funding”
- MIC AND “pension liabilities” AND “unfunded”
- “Mercy Hospital” AND “pension liabilities” AND “unfunded”

For the avoidance of doubt, the OC shall not be required to produce any documents and communications that were also sent to or received from an @mercydesmoines.org or @commonspirit.org email address.

3. In addition to searching for electronic documents and communications responsive to the Document Requests, the OC shall also perform a reasonable search of physical documents and communications in its possession or possessed by the State University of Iowa (the “State”) that were created by the Debtors and made available to the OC by the State.

4. The OC shall produce documents and communications responsive to the Document Requests subject to the limitations set forth above on a rolling basis to MercyOne, pursuant to the ESI protocol referenced in the Court's *Order Granting Motion of the Trust Oversight Committee Requiring MercyOne to Produce Records and Submit to Examination Pursuant to Bankruptcy Rule 2004* [Docket No. 1854], with the production completed no later than Thursday, August 28, 2025.
5. To the extent that the OC asserts privilege over any documents or communications responsive to the Document Requests, it shall produce a privilege log to MercyOne no later than Thursday, August 28, 2025.
6. Notwithstanding any applicability of any Bankruptcy Rule, the terms and conditions of this Order shall be immediately effective and enforceable upon its entry.
7. Pursuant to this Order and based on discussion between counsel, MercyOne is withdrawing its request contained in the Motion for a Federal Rule of Civil Procedure 30(b)(6) deposition of the OC. MercyOne reserves its right to seek fact witness depositions pursuant to Rule 2004 related to the Debtors.
8. The OC has consented to the relief in this Order as a compromise solution given the Court's prior statements in support of Rule 2004 document discovery by MercyOne, and MercyOne is authorized to take all actions, and to execute all documents, necessary or appropriate, to effectuate the relief granted in this Order in accordance with the Motion.
9. The Court retains exclusive jurisdiction to hear and determine any and all disputes related to or arising from the implementation, interpretation, and enforcement of

this Order.

Dated and entered this 11th day of June, 2025.



Honorable Thad J. Collins, Chief Judge

Prepared and Submitted By:

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APPROVED AS TO FORM AND CONTENT:

/s/ David Goroff

David Goroff

Counsel to Mercy Health Network, Inc.